

Shilpi Agarwal, State Bar No. 270749
 Avram D. Frey, State Bar No. 347885
 Emi Young, State Bar No. 311238
 AMERICAN CIVIL LIBERTIES UNION
 FOUNDATION OF NORTHERN CALIFORNIA, INC.
 39 Drumm Street
 San Francisco, CA 94111
 Telephone: (415) 621-2493
 Facsimile: (415) 255-1478
 Email: sagarwal@aclunc.org
afrey@aclunc.org
eyoung@aclunc.org

Justina Sessions, State Bar No. 270914
 Eunice Leong, State Bar No. 320499
 FRESHFIELDS BRUCKHAUS DERINGER US LLP
 855 Main Street
 Redwood City, CA 94063
 Telephone: (650) 618-9250
justina.sessions@freshfields.com
eunice.leong@freshfields.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

JOSHUA SIMON, DAVID BARBER, AND
 JOSUE BONILLA, individually and on behalf of
 all others similarly situated, DIANA BLOCK, an
 individual, and COMMUNITY RESOURCE
 INITIATIVE, an organization,

Plaintiffs,

v.

CITY AND COUNTY OF SAN FRANCISCO,
 PAUL MIYAMOTO, IN HIS OFFICIAL
 CAPACITY AS SAN FRANCISCO SHERIFF,

Defendants.

CASE NO.: 4:22-cv-05541-JST

(San Francisco County Superior Court,
 Case No.: CGC-22-601686)

**DECLARATION OF AVRAM D.
 FREY IN SUPPORT OF
 PLAINTIFFS' OPPOSITION TO
 DEFENDANTS' MOTION TO
 MODIFY OR STAY IN PART
 PRELIMINARY INJUNCTION**

Honorable Jon S. Tigar
 Courtroom 6, 2nd Floor
 Hearing Date: March 21, 2024
 Trial Date: Not set

I, Avram D. Frey, declare:

- I am an attorney licensed to practice in the State of California and am employed as the Deputy Director of the Criminal Justice Project at the American Civil Liberties Union

1 of Northern California. I have worked in this role since 2021. I have personal
2 knowledge of the facts set forth in this Declaration and if called upon could testify those
3 facts.

4 2. I am counsel for Plaintiffs in the above-captioned matter.

5 3. On February 2, 2023, the District Court in the above-captioned matter heard oral
6 argument on Plaintiffs' Motion for Class Certification, Motion for Preliminary
7 Injunction, and Defendants' Motion to Dismiss.

8 4. I was present and participated in the February 2, 2023 oral argument in this matter.

9 5. At the close of the argument, the District Court told counsel for Defendants that the
10 Court expected to rule on the motions as soon as one month from the hearing date, and
11 that if the Court issued a preliminary injunction, it would want it to go into effect almost
12 immediately. The District Court specifically instructed Defense Counsel to
13 communicate this to their clients so that Defendants would be prepared to implement a
14 preliminary injunction in one month's time.

15
16 I declare under penalty of perjury that the foregoing is true and correct. Executed this
17 20th day of February, 2024, at San Francisco, California.

18
19
20 /s/ Avram D. Frey
Avram D. Frey